



WASHINGTON STATE REPUBLICAN PARTY

October 4, 2004

MUR # 5555

Lawrence H. Norton, Esq.  
Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 OCT -5 A 11:50

Re: COMPLAINT AGAINST MR. DAVE ROSS, FRIENDS OF DAVE ROSS AND  
KIRO-AM RADIO STATION

Dear Mr. Norton:

Mr. Dave Ross is a federal candidate for Washington's 8<sup>th</sup> Congressional District. For 17 years he has been hosting a talk show that airs within the district. Ross illegally used his talk radio show to benefit his congressional campaign. Specifically, Mr. Ross:

- Announced his candidacy on his own talk show (i.e., the "Dave Ross Show");
- He continued to host the "Dave Ross Show" for a period of time after he declared his candidacy; and
- Has continued to advertise and allow the "Dave Ross Show" to remain on the air even though he is no longer the host.

Every one of these radio broadcasts has aired in his district while he was a federal candidate. Ross has even continued to broadcast through a CBS affiliated radio station that may be airing the commentaries within Washington's 8<sup>th</sup> Congressional District. These latest broadcasts occurred in late August 2004.

The KIRO-AM<sup>1</sup> radio station has also broken the law on numerous occasions. Specifically, KIRO-AM has illegally:

- Broadcast the "Dave Ross Show" while Mr. Ross is a candidate for federal office;
- Used the radio station's corporate Web page to promote Dave Ross' Campaign and allowed Ross Campaign to appropriate KIRO-AM's trade dress; and
- Continues to call the radio show the "Dave Ross Show," to help Mr. Ross' campaign.

<sup>1</sup> Exhibit [--], is a copy of CBS affiliates from its Web page KIRO-AM is listed as one of its affiliates that broadcast in Seattle, Washington, which is squarely within Washington's 8<sup>th</sup> Congressional District

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Mr. Ross and the KIRO-AM radio station have knowingly and willfully broken the law. After the Federal Election Commission ("FEC") fines Mr. Ross, his campaign, and the KIRO-AM radio station for their willful violation of the law, this matter should be referred to the Department of Justice for criminal prosecution.

## **I. THE FACTS**

On May 5, 2004, Mr. Ross publicly contemplated a run for Congress in Washington's 8<sup>th</sup> Congressional district. "I can just assume that [State Democratic Party Chairman Paul Berendt] thinks my name recognition would be a good thing."<sup>2</sup> In effort to determine whether Ross should run, the radio station and Mr. Ross decided to have a guest host ask "listeners to weigh in on whether Ross should run, and ran an online survey on its corporate Web site."<sup>3</sup> Mr. Ross, who apparently realized he would violate the law if he stayed on the air while running for federal office stated, "Unlike other candidates, I'd have to quit all my jobs," Ross said. "Not just here at the radio station but at CBS, too."<sup>4</sup>

On May 20, 2004, Ross had a change of heart and announced that he would run for Congress while staying on the air.<sup>5</sup> "Ross, whose commentary airs on WBBM-AM in Chicago and 243 other CBS Radio stations nationwide, announced his candidacy Thursday evening on his home station, KIRO-AM,"<sup>6</sup> which airs in the 8<sup>th</sup> Congressional District of Washington. Mr. Ross announced that he would only stay on the radio until July.<sup>7</sup> From around May 22 through July 23 Ross continued to host his radio show despite objections and claims for equal time from his democrat primary opponents.<sup>8</sup> May 22, 2004, Ross' Democratic opponents contemplate their legal options and asserted that Ross's actions are in fact illegal because they violate FCC and FEC regulations.<sup>9</sup>

If having federal candidate Dave Ross on the air was not enough, the radio station then decided to "unabashedly [herald] Ross' candidacy with headlines stating 'Dave for Congress (1)' and 'Dave for Congress (2),' and a prominent link to his campaign Web site."<sup>10</sup> Ross' unwillingness to get off the air even forced his Democratic opponent Alex Alben to run ads during the "Dave Ross Show." The ads pointed out that "Dave Ross talks about the issues, he

<sup>2</sup> Exhibit [--], "KIRO Radio's Dave Ross Ponders Bid for Congress," The Associated Press, May 5, 2004.

<sup>3</sup> Exhibit [--], "Ross Still on the Air While Mulling House Bid," The Seattle Times, May 6, 2004.

<sup>4</sup> Exhibit [--], "Ross Expects 'Challenge Race' if he Runs in 8<sup>th</sup>," The Seattle-Post, May 12, 2004

<sup>5</sup> Ross declared his candidacy on May 20, 2004. Subsequently, he filed his Statement of Candidacy and Statement of Organization with the FEC on May 29, 2004. Either one of these actions officially made him a federal candidate. Attached as Exhibit [--], are the Statement of Candidacy and Statement of Organization.

<sup>6</sup> Exhibit [--], "Sparks fly over radio host's political bid," Chicago Tribune, May 23, 2004

<sup>7</sup> Exhibit [--], "Ross Reveals He's Candidate - Radio Talk-Show Host Will Run for Vacant 8<sup>th</sup> District Seat," The Seattle Times, May 21, 2004.

<sup>8</sup> Exhibit [--], "Seattle Talk-Show Host to Run for Congress, Will Stay on the Air a Few More Months," The Associated Press, May 21, 2004.

<sup>9</sup> Exhibit [--], "KIRO Radio to Keep Ross on Air for Time Being, Station is Waiting for Show Host to Officially File for Dunn's Seat; GOP Says it is Unethical," The Seattle Post, May 22, 2004.

<sup>10</sup> Exhibit [--], "Welcome to the Fray, Dave Ross Now Get Off the Air," The Seattle Times, May 24, 2004.

gets \$72,000 worth of free air time every day...All candidates need to play by the same rules and voters deserve elections that are free and fair.”<sup>11</sup>

After two months of free corporate air time, on July 23, 2004, Ross signed off from his morning talk show on KIRO-AM.<sup>12</sup> But despite Ross’ promise to get off the free airwaves he has continued to give commentary pieces for CBS News radio. These commentaries may have aired in Washington’s 8<sup>th</sup> Congressional District on CBS affiliate KIRO-AM. The most recent commentaries aired from August 16 through August 20; totaling 19 in all.<sup>13</sup>

KIRO-AM seems to want to continue to promote Ross’ campaign even though he has not hosted the morning talk show since July 23, 2004. Even today KIRO-AM radio is still identifying Ross’ former time slot as the “Dave Ross Show” repeatedly through its broadcasts. KIRO-AM radio continues to maintain on its company Website a page identified as “The Dave Ross Show.”<sup>14</sup> And to top it all off, on September 15, 2004, “The Dave Ross Show” featured Dave Ross as a special guest to discuss his primary victory.<sup>15</sup>

## II. THE LAW

### A. Ross Directed and Received Illegal Corporate Contributions

The law is clear: “A candidate... or an individual holding federal office... shall not ... solicit, receive, direct, transfer, or spend funds in connection with an election for federal office, including funds for any federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.” 2 U.S.C. § 441i(e)(1)(A); see also 11 C.F.R. § 300.62. The facts presented in this FEC complaint clearly have demonstrated that Ross and his campaign have illegally directed corporate assets by using the radio’s corporate facilities to broadcast his radio show at no charge to his campaign. The Ross campaign has also received free corporate air time for over two months. Clearly this behavior meets the legal threshold.

### B. KIRO-AM Made Illegal Corporate Expenditures Outside of the Restricted Class

Corporations are also prohibited from “Making expenditures with respect to a Federal election... for communications to those outside the restricted class that expressly advocate the election or defeat of one or more clearly identified candidate(s).” 11 C.F.R. § 114.2(b)(2)(i), (ii), (iii). The free air time that was directed to the general public and expressly advocated Ross’ election to office (e.g., he announced his candidacy on the air) violates the law. For two months Ross as a federal candidate was able to discuss issues of national importance and of concern to the congressional district he wants to represent. Ross did not pay for this air time; instead it was provided to him for free via a corporate entity.

<sup>11</sup> Exhibit [--], “Ads to Criticize Ross on His Show Another Congressional Hopeful Pays for Spots,” The Seattle Post, May 26, 2004.

<sup>12</sup> Exhibit [--], “Ross Signs Off for Campaign,” The Seattle Times, July 24, 2004.

<sup>13</sup> Exhibit [--], are transcripts of all 19 commentaries.

<sup>14</sup> Exhibit [--], is a copy of the KIRO-AM Website featuring Dave Ross.

<sup>15</sup> Exhibit [--], “Stop that Car! Turn that Dial!” The Seattle Times, September 18, 2004.

### C. KIRO-AM Made Illegal In-kind Corporate Contributions

The use of corporate assets to assist a federal candidate violates 2 U.S.C. § 441b(a), which states "It is unlawful for ... any corporation whatever, ... to make a contribution or expenditure in connection with any election at which [a] Representative [is] to be voted for... or any officer or any director of any corporation ... to consent to any contribution or expenditure by the corporation, as may be prohibited by this section." See also 11 C.F.R. § 114.2(a). For over two months KIRO-AM has made illegal in-kind corporate contributions to the Ross Campaign and has also failed to report its corporate expenditures on behalf of the campaign. This behavior is in clear violation of the law. Allowing Ross' Camping to use KIRO-AM's trade dress also constitutes an in-kind contribution.

### D. Illegal Corporate Coordination

KIRO-AM, Mr. Ross and his campaign have participated in illegal corporate coordination. Coordination is defined as: (i) being paid for by another person other than the candidate or the candidate's authorized committee; (ii) satisfying one of the six conduct standards (in this case there is material involvement and substantial discussions about the communication between Ross and KIRO-AM); and (iii) satisfying one of the content standards (in this case the public communications were broadcast within 120 days of the primary and the general election and refers to Ross, and is directed toward the voters in his district). 11 C.F.R. § 109.21. Ross clearly benefited from this illegal corporate coordination because the broadcasts were paid for by the radio station. The free airtime also exceeds the contribution limits, which one Democrat opponent estimated at "\$72,000 worth of free air time every day."<sup>16</sup> Assuming he broadcast five days a week for 47 days this would total \$3,384,000. Yet Mr. Ross and the radio station consciously made the decision to keep him on the air for over two months.

### E. Denied Equal Time

KIRO-AM has denied equal time to other candidates while it continued to broadcast Mr. Ross' show free of charge. This violates 47 U.S.C. § 315, which states that "[i]f any licensee shall permit any person who is *legally qualified candidate* for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station." (Emphasis added.) Ross has argued that he was not a legally qualified candidate until he filed his paper work with the state of Washington. What Mr. Ross failed to mention is that there is more than one way to become a "legally qualified candidate." Ross declared his candidacy on May 20, 2004, on KIRO-AM. Nine days later, Ross filed his Statement of Candidacy and Statement of Organization with the FEC. According to federal law, these actions officially made Ross a "legally qualified" federal candidate.<sup>17</sup>

<sup>16</sup> Id. at footnote 11

<sup>17</sup> Attached as Exhibit [--], are Ross' Statement of Candidacy and Statement of Organization.

After two months of free corporate air time, on July 23, 2004, Ross signed off from his morning talk show on KIRO-AM.<sup>18</sup> Ross, however, wanted to stay on the air even after he considered himself to be a legally qualified candidate. Mr. Ross has since broadcast commentaries on CBS, which may have gone into his congressional district. To say the least, this behavior is troubling and should be stopped.

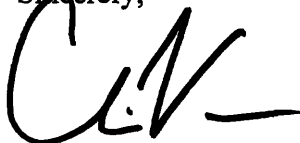
F. Criminal Behavior

The behavior of Mr. Ross, his campaign and the KIRO-AM is knowing and willful and should be referred to the Department of Justice for criminal prosecution. See 2 U.S.C. § 437g(d)(1)(A) ("Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation or expenditure – (ii) aggregating \$25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both"). Willfully and knowingly using the corporate radio station to benefit his campaign and the radio stations willingness to participate in this activity for over two months clearly meets this criminal threshold. Such actions are considered felonies and should be prosecuted to the fullest extent of the law.

If the FEC determines that Mr. Ross and his campaign committee have illegally accepted and directed the corporate assets of KIRO-AM to benefit its campaign, I request that the FEC fine Mr. Ross and his campaign and refer this matter to the Department of Justice for criminal prosecution. The FEC should also fine the KIRO-AM and refer the company and its officers to the Department of Justice for criminal prosecution.

Please send further correspondence to my mailing address at: Washington State Republican Party, 16400 Southcenter Parkway, Suite 200, Tukwila, WA 98188.

Sincerely,



Chris Vance, Chairman  
Washington State Republican Party

<sup>18</sup> Exhibit [---], "Ross Signs Off for Campaign," The Seattle Times, July 24, 2004.

Enclosures

King County, Washington

SWORN TO AND SUBSCRIBED before me on this 4<sup>th</sup> day of OCTOBER, 2004.



  
\_\_\_\_\_  
Notary Public

My commission expires:

6.4.2006

\*\*\*[Please note that you must file three exact copies with the FEC.]

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**EXHIBIT 1**

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| Aberdeen           | WA | KXRO | AM | 1320 0 |
| Albuquerque        | NM | KRQS | FM | 101.3  |
| Anacortes          | WA | KLKI | AM | 1340.0 |
| Anchorage          | AK | KBYR | AM | 700 0  |
| Angel Fire         | NM | KKIT | FM | 99.1   |
| Arroyo Grande      | CA | KKOM | AM | 1280.0 |
| Artesia            | NM | KSVP | AM | 990 0  |
| Astoria            | OR | KVAS | AM | 1230.0 |
| Bakersfield        | CA | KGEO | AM | 1230.0 |
| Basalt             | CO | KNFO | FM | 106.1  |
| Bellingham         | WA | KPUG | AM | 1170.0 |
| Bend               | OR | KBND | AM | 1110.0 |
| Billings           | MT | KGHL | AM | 790 0  |
| Billings           | MT | KGHL | FM | 98 5   |
| Boise              | ID | KBOI | AM | 670 0  |
| Burley             | ID | KBAR | AM | 1230.0 |
| Butte              | MT | KBOW | AM | 550.0  |
| Canon City         | CO | KRLN | AM | 1400 0 |
| Casper             | WY | KTWO | AM | 1030.0 |
| Cedar City         | UT | KSUB | AM | 590 0  |
| Centralia-Chehalis | WA | KELA | AM | 1470.0 |
| Cheyenne           | WY | KRAE | AM | 1480.0 |
| Colorado Springs   | CO | KVOR | AM | 1300.0 |
| Colusa             | CA | KKCY | FM | 103 1  |
| Corning            | CA | KTHU | FM | 100.7  |
| Corrales           | NM | KBTK | AM | 1310 0 |
| Delta              | UT | KZEZ | FM | 95.7   |
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| Durango            | CO | KIUP | AM | 930.0  |

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| Ellensburg       | WA | KXLE | AM | 1240.0 |
| Ephrata          | WA | KULE | AM | 730.0  |
| Eugene           | OR | KUGN | AM | 590.0  |
| Eureka           | CA | KINS | AM | 980 0  |
| Fairbanks        | AK | KCBF | AM | 820.0  |
| Fort Morgan      | CO | KBRU | FM | 101.7  |
| Fort Morgan      | CO | KFTM | AM | 1400.0 |
| Fresno           | CA | KMJ  | AM | 580.0  |
| Gallup           | NM | KGAK | AM | 1330.0 |
| Glendive         | MT | KDZN | FM | 96 5   |
| Great Falls      | MT | KEIN | AM | 1310.0 |
| Greeley          | CO | KFKA | AM | 1310.0 |
| Green River      | WY | KUGR | AM | 1490.0 |
| Gualala          | CA | KTDE | FM | 100 5  |
| Helena           | MT | KCAP | AM | 1340.0 |
| Hilo             | HI | KPUA | AM | 670.0  |
| Honolulu         | HI | KGU  | AM | 760.0  |
| Jerome           | ID | KART | AM | 1400.0 |
| Juneau           | AK | KJNO | AM | 630.0  |
| Ketchum          | ID | KIKX | FM | 104 7  |
| King City        | CA | KRKC | AM | 1490.0 |
| Klamath Falls    | OR | KAGO | AM | 1150.0 |
| Klamath Falls    | OR | KAGO | FM | 99.5   |
| Lake Havasu City | AZ | KNTR | AM | 980.0  |
| Lander           | WY | KDLY | FM | 97.5   |
| Lander           | WY | KOVE | AM | 1330.0 |
| Laramie          | WY | KLDI | AM | 1210.0 |
| Las Cruces       | NM | KOBE | AM | 1450.0 |
| Las Vegas        | NV | KBAD | AM | 920 0  |
| Las Vegas        | NV | KENO | AM | 1460 0 |
| Lebanon          | OR | KGAL | AM | 1580.0 |
| Lewiston         | ID | KMOK | FM | 106.9  |
| Lewiston         | ID | KVTY | FM | 105.1  |
| Los Alamos       | NM | KRSN | AM | 1490.0 |
| Los Angeles      | CA | KNX  | AM | 1070 0 |
| Los Angeles      | CA | KCBS | FM | 93.1   |
| Medford          | OR | KMED | AM | 1440 0 |
| Missoula         | MT | KGVO | AM | 1290 0 |
| Monterey         | CA | KNRY | AM | 1240 0 |
| Newport          | OR | KNPT | AM | 1310.0 |
| North Bend       | OR | KBBR | AM | 1340 0 |
| North Las Vegas  | NV | KXNT | AM | 840.0  |

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| Phoenix          | AZ | KMVP | AM | 860.0  |
| Porterville      | CA | KTIP | AM | 1450.0 |
| Portland         | OR | KXL  | AM | 750.0  |
| Prescott         | AZ | KYCA | AM | 1490.0 |
| Richland         | WA | KALE | AM | 960.0  |
| Rio Rancho       | NM | KZKL | FM | 101.7  |
| Roseburg         | OR | KRNR | AM | 1490.0 |
| Sacramento       | CA | KHTK | AM | 1140.0 |
| Sacramento       | CA | KRAK | AM | 1470.0 |
| Salt Lake City   | UT | KSL  | AM | 1160.0 |
| San Diego        | CA | KFMB | AM | 760.0  |
| San Francisco    | CA | KCBS | AM | 740.0  |
| San Francisco    | CA | KLLC | FM | 97.3   |
| Santa Fe         | NM | KKSS | FM | 97.3   |
| Santa Maria      | CA | KSMA | AM | 1240.0 |
| Seattle          | WA | KIRO | AM | 710.0  |
| Sheridan         | WY | KROE | AM | 930.0  |
| Smithfield       | UT | KGNT | FM | 103.9  |
| South Lake Tahoe | CA | KTHO | AM | 590.0  |
| South Tucson     | AZ | KJLL | AM | 1330.0 |
| Sparks           | NV | KPLY | AM | 1270.0 |
| Spokane          | WA | KGA  | AM | 1510.0 |
| St. George       | UT | KTSP | AM | 1450.0 |
| Tremonton        | UT | KNFL | FM | 104.9  |
| Twin Falls       | ID | KTFI | AM | 1270.0 |
| Ukiah            | CA | KUKI | AM | 1400.0 |
| Walla Walla      | WA | KXRK | FM | 97.1   |
| Wenatchee        | WA | KPQ  | AM | 560.0  |
| Winslow          | AZ | KINO | AM | 1230.0 |
| Yakima           | WA | KIT  | AM | 1280.0 |
| Yreka            | CA | KSYC | AM | 1490.0 |

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**EXHIBIT 2**

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May 5, 2004, Wednesday, BC cycle

**SECTION:** Political News

**LENGTH:** 557 words

**HEADLINE:** KIRO radio's **Dave Ross** ponders bid for **Congress**

**DATELINE:** SEATTLE

**BODY:**

Seattle radio talk-show host **Dave Ross** says he's thinking about running as a Democrat for the congressional seat that Republican U.S. Rep. Jennifer Dunn is vacating.

State Democratic Party Chairman Paul Berendt, who's been urging Ross to run, told The Seattle Times he's preparing to pay for a poll to gauge how Ross might do if he made a bid for the suburban 8th District seat.

"In my career, I have never closed any doors. So when someone says, 'Can we at least look into it?' OK, fine," Ross told The Times in a story published Wednesday. "I can just assume that he thinks my name recognition would be a good thing."

Republicans have controlled the 8th District, which includes much of east and south King County and east Pierce County, for more than two decades. But Democrats believe Dunn's upcoming retirement gives them a good shot.

Two other Democrats are already in the race: former RealNetworks executive Alex Alben and three-time Dunn challenger Heidi Behrens-Benedict.

Ross, 52, of Mercer Island, hosts a midmorning show on KIRO-AM. He said he hadn't thought about running until Berendt asked him to lunch and proposed the idea.

"I think he'd be a dynamite candidate," Berendt said. "People are yearning for the kind of straight talk on issues that he would bring to the table. And so that's what I had in mind when I approached him."

Republicans suggested the discussions mean Democrats have doubts about the chances of their two hopefuls in the race.

"If you've got a candidate you're happy with, you don't go out and encourage someone else to get in the race," said state Republican Party Chairman Chris Vance.

Berendt praised both Alben and Behrens-Benedict, but said he couldn't resist encouraging Ross to run.

Republicans have four candidates vying for the nomination: King County Sheriff Dave

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Reichert, GOP activist and former federal prosecutor Diane Tebelius, Bellevue City Councilman Conrad Lee and state Sen. Luke Esser.

Alben, who has led in early fund-raising, has won endorsements from Gov. Gary Locke and five Democrats in the state's congressional delegation: Reps. Brian Baird, Norm Dicks, Jay Inslee, Rick Larsen and Adam Smith.

"If Dave's going to run, he better make up his mind quickly because he has a lot of catching up to do," said Alben's campaign manager, Ben Vaught. "We've raised over half a million dollars, earned a lot of endorsements and a lot of grass roots support."

Ross has a highly rated radio show that covers issues ranging from local elections to the war in Iraq. He calls himself the leader of the "Eastlake Avenue Crusaders for Common Sense," and his positions defy an easy description.

He told The Times he doesn't call himself a Democrat, and that his positions often cross party lines. He was an opponent of the Vietnam War, and has criticized the handling of the war in Iraq.

A self-described deficit hawk, he said he supports President Bush's effort to give federal funds to faith-based social programs. He voted for former President Clinton twice, but also consistently voted for former state Rep. Ida Ballasiotes, a Republican from Mercer Island.

Ross said he hasn't set a timeline to reach a decision about running.

"I'm truly taking it one day at a time," he said.

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Information from: The Seattle Times, <http://www.seattletimes.com>

**GRAPHIC:** AP Photo planned

**LOAD-DATE:** May 6, 2004

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**EXHIBIT 3**

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Copyright 2004 The Seattle Times Company  
The Seattle Times

May 6, 2004, Thursday Fourth Edition

**SECTION:** ROP ZONE; Local News; Pg. B1

**LENGTH:** 748 words

**HEADLINE:** Ross still on the air while mulling House bid

**BYLINE:** Warren Cornwall; Seattle Times Eastside bureau

**BODY:**

Word that talk-show host **Dave Ross** might run for **Congress** isn't keeping the longtime radio personality away from the microphone.

Ross missed his regular 9 a.m. to noon show on KIRO-AM (710) yesterday, after news surfaced that state Democratic Party Chairman Paul Berendt approached Ross about making a bid for U.S. Rep Jennifer Dunn's seat. But KIRO said it was because of a routine doctor's appointment, not because of the news.

Meanwhile, the radio station had a guest host ask listeners to weigh in on whether Ross should run, and ran an online survey on its Web site.

"I think a lot of people are going to want to hear what he has to say when he's back tomorrow," said Kris Olinger, the station's program director. "So there is definitely that benefit. The downside for us would be if he actually decides to run and we lose him as a talk-show host," she said.

Ross, who expresses skepticism about his chances in such a race but hasn't ruled out a run, said yesterday he would continue in his job.

"If I get into the race, I'll talk with Kris about it," he said.

Generally, media personalities leave their jobs when they become candidates.

John Carlson, a radio talk-show host on KVI-AM (570), quit to embark on a failed campaign for governor in 2000. Former Seattle Times columnist Jean Godden resigned from her job the day she entered the race for Seattle City Council last year. Three-term Seattle Mayor Charles Royer left his job as a television news analyst with King Broadcasting in 1977 when he decided to run.

"I felt that the kind of stuff I was doing, I couldn't stay on the air after I decided to run," Royer said. "Or if I did, I couldn't talk about anything related to city government or the other candidates."

Federal law requires radio and television stations to offer free air time to all candidates if one candidate gets free time. In Ross's case, if he were a candidate, that could mean nearly three hours a day for each of the two Democrats now in the race, Alex Alben and Heidi Behrens-Benedict.

Olinger said she has asked company attorneys to advise them on any legal repercussions but didn't see any problem at this point. Having Ross as a subject of the news wouldn't affect his ability to cover the news, she said.

Berendt confirmed this week he had recently asked Ross if he was interested in running in the 8th Congressional District, and Berendt plans a poll testing how Ross would fare in the race. The district covers much of east and south King County and east Pierce County.

Media personalities face potential ethical and legal conflicts between their jobs and a possible political career, thanks to their access to people and the mission of most news organizations to be politically independent.

The ethical restrictions are less clear for media personalities like talk-show hosts than for news reporters, said Aly Coln, ethics group leader at the Poynter Institute, a school for working journalists in St. Petersburg, Fla.

News reporters should avoid doing things that might raise questions about their ability to be independent, Coln said. But talk-show hosts often act as entertainers who are supposed to express opinions.

"The idea that he might move toward running for office wouldn't be much different to me from a movie star," said Coln, a former Seattle Times reporter and editor.

*Warren Cornwall: 206-464-2311 or [wcornwall@seattletimes.com](mailto:wcornwall@seattletimes.com)*

#### Media to politics

Puget Sound has a tradition of news-media personalities launching successful and sometimes unsuccessful careers in politics. Here are some of the best known:

Charles Royer: Formerly KING-TV news commentator, was elected Seattle mayor in 1977 and served three four-year terms.

Norm Rice: KIXY radio reporter, later KOMO writer/editor, became Seattle mayor, succeeding Royer and serving two terms.

Al Swift: a former news and public-affairs director at KVOS in Bellingham, was elected to **Congress** in 1978 and served for 16 years.

Mike James: longtime KING-TV reporter and anchor, was defeated in the Democratic primary for U.S. Senate in 1994.

John Carlson: KVI-AM talk-show host, ran unsuccessfully for governor against Gary Locke in 2000.

Jim Compton: former NBC correspondent and host of the "KING-TV Compton Report," elected to Seattle City Council in 1999.

Jean Godden: longtime Seattle Times and Post-Intelligencer columnist, elected to City Council in 2003.

*Research by Times staff researcher Gene Balk*

**GRAPHIC:** photo; **Dave Ross** (0392927928)

**LOAD-DATE:** May 7, 2004

◀ [prev](#) Document 130 of 139 [next](#) ▶



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**EXHIBIT 4**

26044133219



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THE SEATTLE POST-INTELLIGENCER

May 12, 2004, Wednesday FINAL

**SECTION:** NEWS, Pg. B2

**LENGTH:** 305 words

**HEADLINE:** ROSS EXPECTS 'CHALLENGING RACE' IF HE RUNS IN 8TH

**BYLINE:** CHRIS MCGANN P-I reporter

**BODY:** Name recognition may be enough to get radio talk-show host **Dave Ross** into this year's 8th Congressional District race - but it's not necessarily enough to carry the day.

Ross said yesterday that a poll commissioned by the state Democratic Party showed that he had 80 percent name recognition in the Eastside district in which King County Sheriff Dave Reichert is already a Republican candidate.

It also "tells me that it would be a challenging race," Ross said. "It tells me I'd have to work hard, go door to door and do fund raising...Reichert would be formidable."

Neither Ross nor state Democratic Party Chairman Paul Berendt would go into much detail yesterday about the results of the poll. Berendt said the \$7,500 survey of 600 registered voters showed that Reichert is well-known.

"That's a big advantage that our candidate will have to overcome," Berendt said.

And that's why - unbeknownst to 8th District party officials - Berendt approached Ross about running and offered to pay for the poll to help him decide.

Ross said that, until he saw yesterday's poll results, he had low expectations.

But choosing to run would have profound consequences for KIRO radio's veteran morning show host.

"Unlike other candidates, I'd have to quit all my jobs," Ross said. "Not just here at the radio station but at CBS, too."

Nonetheless, Ross said he is now seriously considering stepping into the fray. He said he won't make any decision this week, despite his earlier indication that he would.

Berendt views the 8th District as winnable even after two decades of Republicans holding the seat. "The stakes have never been higher," Berendt said. "You always want to get the best possible candidate."

P-I reporter Chris McGann can be reached at 206-448-8169 or chrismcgann@seattlepi.com

**LOAD-DATE:** May 13, 2004

◀ [prev](#) Document 120 of 139 [next](#) ▶



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THE SEATTLE POST-INTELLIGENCER

May 20, 2004, Thursday FINAL

**SECTION:** NEWS, Pg. B1

**LENGTH:** 741 words

**HEADLINE:** EASTSIDE'S 8TH DISTRICT RACE ATTRACTS BIG NAMES  
DEMOCRATS BELIEVE DUNN'S DEPARTURE IS A BIG OPPORTUNITY FOR THEM IN HOUSE

**BYLINE:** CHRIS MCGANN P-I reporter

**BODY:** Republicans have never lost in the suburban 8th Congressional District, but a shifting voter demographic and a departing incumbent have transformed the former GOP fortress into a battleground where both parties plan to spare no expense.

Now it looks as if both Democrats and Republicans will have candidates with the kind of popular appeal that even money can't always buy.

King County Sheriff Dave Reichert, best known for his role in helping capture Green River killer Gary Ridgway, is officially kicking off his campaign today with three fund-raisers. With two countywide election victories and name recognition above 80 percent, Reichert likely will be the GOP's most formidable candidate. Reichert said yesterday that his polls show that he's "got the kind of name recognition that would cost a couple million dollars on its own."

And by all indications, KIRO radio personality **Dave Ross** also will announce that he is running as a Democrat within a week.

Polls indicate he also has 80 percent name recognition, making him a tough foe in the race to replace Jennifer Dunn.

Ross said last night that he'd made his decision about running, but said the official announcement would be made next Thursday.

He insisted on being "intentionally evasive" about his choice until all the pieces are in place.

When asked if it would be wrong to say he'd decided to run, Ross responded: "I don't think you'd be embarrassed if that appeared in the paper tomorrow."

Ross' name emerged as a possible Democratic candidate only this month when, unbeknownst to the party's district leaders, Washington State Democrats Chairman Paul Berendt asked him to consider running.

Several local party leaders were "mystified" by Berendt's move in light of the fact that former RealNetworks executive Alex Alben had already received several key endorsements and put together a significant campaign fund.

Berendt said last week that with the notoriety he'd gained as longtime host of a popular radio talk show, Ross would be able to succeed even if he enters the race at this late date.

This week Ross is talking to people to make sure it would be feasible, he said. He wanted to

hold off on officially announcing in case some unforeseen problem should arise.

Chris Vance, Chairman of the Washington State Republican Party, did not dispute that the district has changed since it was created by redistricting in 1980.

"The suburbs used to be solidly Republican," Vance said. "Now I think they lean Republican."

He said the GOP has four strong candidates including Reichert in the 8th District but said, "It's an open seat, so of course it's going to be tight."

All the Republican candidates have strengths, Vance said.

"Obviously Dave Reichert is very well-known. But (Sen.) Luke Esser (R-Bellevue) is a well-established Eastside politician," Vance said. "And Diane Tebelius is surprising everybody about how much money she's raised. She's raised more than \$250,000."

Vance said he's confident that his party will hold onto the 8th District.

Kirstin Brost, spokeswoman for the Washington Democratic Coordinating Campaign, said several signs indicate Vance may be overestimating the GOP's sway.

"The district is definitely turning Democratic," Brost said. "East King County has seen a lot of changes in the last 20 years, and we've seen our numbers get better and better."

Democrats Al Gore and Gov. Gary Locke carried the district in 2000 and it was only by virtue of the incumbent advantage that Dunn won, Brost said.

"I can't express to you enough about how excited we are about the 8th District," she said. "Now that Jennifer Dunn has left, we see this as the absolute focus of our energy now for the next few months."

She said the district is going to be an important target for the entire Democratic ticket and expects presidential hopeful John Kerry, Sen. Patty Murray, D-Wash., and the Democrats' candidate for governor to spend time helping with the campaign.

"Because it's winnable. It will also be a national target because it's one of the few opportunities nationwide for a Democratic pickup," Brost said.

Nationally, Democrats need to pick up 12 seats in the House of Representatives to take back control.

The small suburban district nestled between Lake Washington and the Cascades is expected to be a hot property in that effort.

P-I reporter Chris McGann can be reached at 206-448-8169 or [chrismcgann@seattlepi.com](mailto:chrismcgann@seattlepi.com)

**GRAPHIC:** Color Photo  
AP/2003: Reichert

**LOAD-DATE:** May 21, 2004

◀ [prev](#) Document 116 of 139 [next](#) ▶

**EXHIBIT 5**

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FEC FORM 2  
STATEMENT OF CANDIDACY

|   |                                 |   |  |
|---|---------------------------------|---|--|
| 1 (a) Name of Candidate (in full)<br><b>Dave Ross</b>           |                                 | 2 Identification Number   |  |
| (b) Address (number and street)<br><b>7683 SE 27th PMB 163</b>  |                                 | <input type="checkbox"/> Check if address changed   |  |
| (c) City, State, and ZIP Code<br><b>Mercer Island, WA 98040</b> |                                 | 3 Is This Statement <input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> (A) |  |
| 4 Party Affiliation<br><b>Democrat</b>                          | 5 Office Sought<br><b>House</b> | 6 State & District of Candidate<br><b>WA-08</b>   |  |

## DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

- 7 I hereby designate the following named political committee as my Principal Campaign Committee for the 2004 election(s).  
(year of election)

NOTE: This designation should be filed with the appropriate election in the instructions.

|   |
|---|
| (a) Name of Committee (in full)<br><b>Friends of Dave Ross</b>  |
| (b) Address (number and street)<br><b>7683 SE 27th PMB 163</b>  |
| (c) City, State, and ZIP Code<br><b>Mercer Island, WA 98040</b> |

## DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(including Joint Fundraising Representatives)

- 8 I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

|                                 |
|---------------------------------|
| (a) Name of Committee (in full) |
| (b) Address (number and street) |
| (c) City, State, and ZIP Code   |

## DECLARATION OF INTENT TO EXPEND PERSONAL FUNDS (House or Senate Only)

9. I intend to expend personal funds exceeding the threshold amount (see 11 C.F.R. 400.5) by

|    |      |                               |
|----|------|-------------------------------|
| SA | 0.00 | for the primary election, and |
| RP | 0.00 | for the general election.     |

If you do not intend to expend personal funds exceeding the threshold amount for either election, you must enter "0.00" for each.

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

|  |                          |
|--|--------------------------|
| Signature of Candidate<br><i>Dave Ross</i> | Date<br><i>5/28/2004</i> |
|--|--------------------------|

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. 5437g.

|  |  |  |  |  |  |  |  |  |  |
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FEC FORM 2

FEC FORM 2 (REV. 02/2003)

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| <input type="checkbox"/> USPS Priority Mail                                | Postmarked                    |
| Delivery Confirmation™ Label <input type="checkbox"/>                      |                               |
| <input type="checkbox"/> USPS Express Mail                                 | Postmarked                    |
| <input type="checkbox"/> Postmark Illegible                                |                               |
| <input type="checkbox"/> No Postmark                                       |                               |
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FEC  
FORM 1STATEMENT OF  
ORGANIZATION

Office Use Only

1. NAME OF  
COMMITTEE (in full)(Check if name  
is changed)Example: If typing, type  
over the lines.

12FE44NS

Friends of Dave Ross

ADDRESS (number and street)

7683 SE 27th PMB 163

(Check if address  
is changed)

Merger Island

WA

98040

CITY \*

STATE \*

ZIP CODE \*

COMMITTEE'S E-MAIL ADDRESS

info@daveross.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

(206)-(937)-17883

2. DATE

05/25/2004

3. FEC IDENTIFICATION NUMBER \*

4. IS THIS STATEMENT ☒ NEW (N)

OR

☐ AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Philip E. Lloyd

Signature of Treasurer

Date

05/25/2004

NOTE: Submission of false, inaccurate, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

|                       |  |  |  |  |  |   |                                 |
|-----------------------|--|--|--|--|--|---|---------------------------------|
| Office<br>Use<br>Only |  |  |  |  |  | For further information contact:<br>Federal Election Commission<br>Toll Free 800-424-6730<br>Local 202-694-1100 | FEC FORM 1<br>(Revised 02/2008) |
|-----------------------|--|--|--|--|--|---|---------------------------------|

HISAN, J.C. P.F.

26044133226

## 5. TYPE OF COMMITTEE (Check One)

- (a) ☒ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Dave Ross

Candidate  
Party Affiliation

Dem...

Office  
Sought☒

House

Senate

President

State

WA

District

08

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

- (d) ☐ This committee is a ☐ (National, State or subordinate) committee of the ☐ (Democratic, Republican, etc.) Party.

- (e) ☐ This committee is a separate segregated fund.

- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

## 6. Name of Any Connected Organization or Affiliated Committee

None

Mailing Address

CITY

STATE

ZIP CODE

Relationship

Type of Connected Organization

Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

FEC Form 1 (Revised 05/2003)

Page 3

Write or Type Committee Name

Friends of Dave Ross

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Philip Lloyd

Mailing Address 7683 SE 27th PMB, 163

Mercer Island WA 98040

Title or Position

CITY

STATE

ZIP CODE

Treasurer Telephone number 206-932-8878

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Philip Lloyd

Mailing Address 7683 SE 27th PMB, 163

Mercer Island WA 98040

Title or Position

CITY

STATE

ZIP CODE

Treasurer Telephone number 206-932-8878

Full Name of Designated Agent Philip Lloyd

Mailing Address 7683 SE 27th PMB, 163

Mercer Island WA 98040

Title or Position

CITY

STATE

ZIP CODE

Treasurer Telephone number 206-932-8878

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Bank of America

Mailing Address

PO Box 34474

Seattle

WA

98124

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

**Federal Election Commission  
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| <input type="checkbox"/> No Postmark                                       |                               |
| <input type="checkbox"/> Overnight Delivery Service (Specify):             | Shipping Date                 |
| <input type="checkbox"/> Received from House Records & Registration Office | Date of Receipt               |
| <input type="checkbox"/> Received from Senate Public Records Office        | Date of Receipt               |
| <input type="checkbox"/> Received from Electronic Filing Office            | Date of Receipt               |
| <input type="checkbox"/> Other (Specify):                                  | Date of Receipt or Postmarked |
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**EXHIBIT 6**

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Chicago Tribune

**May 23, 2004 Sunday**  
Chicago Early Edition

**SECTION:** NEWS ; ZONE C; ACROSS THE NATION. ; Pg. 15

**LENGTH:** 83 words

**HEADLINE:** Sparks fly over radio host's political bid

**BYLINE:** Items compiled from Tribune news services.

**DATELINE:** SEATTLE, WASHINGTON

**BODY:**

[ Radio talk-show host **Dave Ross** will run as a Democrat for **Congress** and plans to stay on the air through July--a decision that has some rivals seeking equal air time. ]

Ross, whose commentary airs on WBBM-AM in Chicago and 243 other CBS Radio stations nationwide, announced his candidacy Thursday evening on his home station, KIRO-AM.

Ross, 52, said the station's lawyers have told him he is not breaking any laws. But state Republican Chairman Chris Vance said his party's lawyers have suggested otherwise.

**LOAD-DATE:** May 23, 2004

◀ [prev](#) Document 104 of 139 [next](#) ▶

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**EXHIBIT 7**

26044133233





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The Seattle Times

May 21, 2004, Friday Fourth Edition

**SECTION:** ROP ZONE; Local News; Pg. B1

**LENGTH:** 696 words

**HEADLINE:** Ross reveals he's candidate  
Radio talk-show host will run for vacant 8th District seat

**BYLINE:** Warren Cornwall; Seattle Times Eastside bureau

**BODY:**

Radio talk-show host **Dave Ross** last night unexpectedly announced he plans to run for Congress.

Ross, whose bass voice and curiosity about public affairs have been a fixture on KIRO-AM (710) for 17 years, made the announcement during a radio event called "Battle of the Talk Show Hosts."

He will run as a Democrat for the 8th Congressional District seat left open by the retirement of U.S. Rep. Jennifer Dunn.

Though Ross has now entered the campaign trail, he said he plans to continue his talk show through July, when candidates officially file for office. His decision to stay on the air is sure to anger opponents who have already begun calling on the radio station to give them equal time on the air, or to pull the plug on Ross' show.

Ross' entry further shakes up a campaign that has already drawn six candidates.

He starts the race facing two opponents with strong name recognition, former RealNetworks executive and first-time candidate Alex Alben, and Heidi Behrens-Benedict, a Bellevue interior designer who lost three previous races against Dunn.

The Republican field is even more crowded, with King County Sheriff Dave Reichert, former federal prosecutor Diane Tebelius, state Sen. Luke Esser and Bellevue City Councilman Conrad Lee.

People who urged Ross to run think his reputation as a moderate with an independent streak will serve him well in the suburban district, where a Democratic poll showed his name recognition above 80 percent.

"It was an evolution," Ross said of his decision before he officially announced. "Fewer and fewer reasons to say no."

Republican Party Chairman Chris Vance, however, questioned whether Ross' radio reputation will transfer to the campaign trail.

"**Dave Ross** tries very hard on the radio to not be too Republican or too Democrat. So I really don't know where he stands on issues," he said.

Alben was widely seen as the Democratic front-runner with roughly \$550,000 raised and endorsements from Gov. Gary Locke, and five Democrats from the state's congressional

delegation: Reps. Brian Baird, Norm Dicks, Jäy Inslee, Rick Larsen and Adam Smith.

Ross was recruited by state Democratic Party Chairman Paul Berendt, who called him a "dynamite candidate."

Alben campaign manager Ben Vaught said Ross' radio work didn't measure up to Alben's work in the private sector.

"Alex is the only candidate in this race who has proven job-creation skills," Vaught said.

Behrens-Benedict, meanwhile, welcomed the prospect of Ross' entry.

"The more the merrier," she said. "I think that it is good for the country for people to be involved in the democratic process."

Both Vance and the Alben campaign yesterday requested KIRO give their candidates the same air time Ross has.

In a letter to the station, the Alben campaign sought equal time going back to May 5, when it was first publicly reported Ross might enter the race.

When told last night that Ross had announced his candidacy and planned to stay on the air, Vaught said, "He can't do that. It's just fundamentally unfair."

KIRO Station Manager Ken Berry said he would consider the letter, but at this point there were no plans to change the station's programming.

Ross sees no problem staying on the air.

"It's not going to be just a campaign show. It's going to be the **Dave Ross** show," he said. "There's been Republican Party radio on the air for a long, long time. ... "

A radio station would have to offer equal time once an on-air employee becomes a "qualified candidate," according to the Federal Communications Commission. To become a qualified candidate, Ross would need to file proper papers to become a candidate and be deemed qualified to run by election regulators.

This is the 52-year-old Mercer Island resident's first entry into electoral politics. As a critic of the current war who twice voted for Bill Clinton for president, he describes himself as a deficit hawk and a supporter of President Bush's effort to give federal funds to faith-based social programs.

He said a chief challenge as a candidate will be "staying **Dave Ross**. Maintaining a sense of independence."

*Warren Cornwall: 206-464-2311.*

**GRAPHIC:** photo; Greg Gilbert / The Seattle Times : KIRO Radio talk-show host **Dave Ross** unexpectedly announced his candidacy. (0394188053)

**LOAD-DATE:** May 22, 2004

◀ [prev](#) Document 115 of 139 [next](#) ▶

**EXHIBIT 8**

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Associated Press

May 21, 2004, Friday, BC cycle

**SECTION:** Political News

**LENGTH:** 361 words

**HEADLINE:** Seattle talk-show host to run for **Congress**; will stay on air a few more months

**DATELINE:** SEATTLE

**BODY:**

A local radio talk-show host said he will run for an open seat in **Congress** as a Democrat and plans to stay on the air through July, raising questions about equal time for other candidates.

**Dave Ross**, who also does humorous commentary for CBS Radio stations nationwide, made the announcement on KIRO-AM on Thursday after heavy recruitment from state party leaders.

"It was an evolution," said Ross, 52. "Fewer and fewer reasons to say no."

Ross calls himself a critic of the war in Iraq, a deficit hawk and a supporter of President Bush's effort to give federal funds to faith-based social programs.

Ross - who has become known for his deep voice, even temperament and humorous, self-deprecating style in his 17 years on KIRO - said he planned to keep his morning weekday show until he formally files for the 8th District House seat in July.

"It's not going to be just a campaign show. It's going to be 'The **Dave Ross** Show,'" he said. "There's been Republican Party radio on the air for a long, long time."

Ross' plan has some critics, including aides to former RealNetworks executive Alex Alben, a political novice who until now was the Democratic front-runner.

"He can't do that. It's just fundamentally unfair," said Ben Vaught, Alben's campaign manager.

Both Alben's campaign and state Republican party chairman Chris Vance have asked KIRO for equal time. KIRO manager Ken Berry said he would consider the request but had no immediate plans to change the station's programming.

Under Federal Communications Commission regulations, a radio station must offer equal time once an on-air employee becomes a "qualified candidate" by filing for office and being found qualified by election regulators.

The affluent 8th District, in the suburbs east of Seattle, has been represented by Republican

Jennifer Dunn since 1993. She is retiring.

GOP contenders include King County Sheriff David G. Reichert, former assistant U.S. attorney Diane Tebelius and state Sen. Luke Esser.

Ross was chosen by CBS in 1992 as substitute anchor for "The Osgood File" while Charles Osgood was on vacation. He is now heard on 244 CBS stations nationwide.

**LOAD-DATE:** May 22, 2004

◀ [prev](#) Document 109 of 139 [next](#) ▶

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**EXHIBIT 9**

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THE SEATTLE POST-INTELLIGENCER

May 22, 2004, Saturday FINAL

**SECTION:** NEWS, Pg. B1

**LENGTH:** 729 words

**HEADLINE:** KIRO RADIO TO KEEP ROSS ON AIR FOR TIME BEING  
STATION IS WAITING FOR SHOW HOST TO OFFICIALLY FILE FOR DUNN'S SEAT; GOP SAYS  
IT'S UNETHICAL

**BYLINE:** CHRIS MCGANN P-I reporter

**BODY:** KIRO radio plans to keep longtime talk-show host and first-time congressional candidate **Dave Ross** on the air for at least another month despite growing concerns that doing so may violate federal election law.

"It is unfair, unethical and probably illegal," said Washington state Republican Party Chairman Chris Vance.

"I'm amazed that Ross or KIRO is even considering it. John Carlson went off the air immediately when he ran for governor in 2000," he said.

Vance said that lawyers for the Republican National Committee said yesterday that "just off the top of their heads they thought it is probably a violation of Federal Communications Commission and Federal Election Commission regulations."

Vance said the Republicans are reviewing their legal options.

Station manager Ken Berry said the station's attorneys also have explored the issue and do not see a violation.

"For once, the law is pretty clear," Berry said. "Although (Ross) has indicated that he will run for **Congress** in the 8th Congressional District, he's not a legally qualifying candidate until he files his paperwork to get on the ballot (in late July). Then we either have to take him off the air or offer equal time" to the other candidates who request it.

"We've decided that we will take him off the air at that point," Berry said. "**Dave Ross** is an important part of this radio station."

Even Democratic candidates took exception to that notion yesterday.

Alex Alben, the Democrats' top fund-raiser among the candidates vying to replace Rep. Jennifer Dunn in the predominantly East King County district, was also considering legal action if Ross does not step away from the mike.

"KIRO appears to have made prohibited corporate in-kind contributions to **Dave Ross** for **Congress**," according to a preliminary report prepared by Alben's attorney.

The memo goes on to claim that it would be illegal for the station to allow Ross to stay on the air at no charge to his campaign committee.

Election law prohibits contributions in excess of \$2,000, including in-kind contributions, or services provided without charge or at less than the usual charge.

The Alben campaign calculated that allowing Ross to stay on the air while publicly considering a run for office has represented an in-kind contribution of \$72,000 and is an apparent violation of federal election law.

Ross said yesterday that after 17 years in radio, it's hard to believe his staying on the air until July would raise his exposure for the campaign. Especially if he refrains from talking about his candidacy or issues specific to the 8th District on his three-hour show.

Ross' bottom line: "I'm under contract, so I'm on the air until KIRO says I'm off the air," he said.

Ben Vaught, Alben's campaign manager, said the campaign is not accusing KIRO or Ross of violating the law, only assessing the situation as well as their legal options.

The Alben-campaign has already requested 15 hours of weekly radio time to compensate for the time given Ross since he publicly began considering a bid for **Congress**.

The station rejected that request.

Berry said Ross will not using the show for electioneering in the coming months.

"He not only agreed to it but I think he believes in it," Berry said. "I think we have a clear understanding."

Heidi Behrens-Benedict, 56 a Bellevue commercial designer who is also running as a Democrat in the 8th District, said Ross' air time is a minor problem that she expects will be worked out far before legal action is necessary.

"I think cool heads will prevail - and he will have to decide whether he's a talk-show host or a candidate," she said.

"You have fairness and you have the appearance of fairness - if by some loophole, he were allowed to stay on - it would still look really bad but I don't want to be part of the pile-on-Dave thing - I think this will all be solved by the attorneys" at KIRO, she said.

Ross said he does not plan to use the show to his benefit and therefore is not worried that staying on the air will seem unfair or improper.

And as for what he's said on air about the other candidates in the race:

"I've said nothing but good things about them," he said. "At this point, they should probably give me equal time at their fund-raisers."

P-I reporter Chris McGann

can be reached at 206-448-8169

or chrismcgann@seattlepi.com.

**LOAD-DATE:** May 24, 2004

◀ [prev](#) Document 107 of 139 [next](#) ▶



**EXHIBIT 10**

26044133242



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May 24, 2004, Monday Fourth Edition

**SECTION:** ROP ZONE; Opinion; Pg. B6

**LENGTH:** 347 words

**HEADLINE:** Sign off, Dave

**BODY:**

WELCOME to the fray, **Dave Ross**. Now get off the air.

The popular KIRO Newsradio talk-show host announced Thursday he'll run for **Congress** in the 8th Congressional District. Ross will invigorate an already feisty race, but he should forgo his access to the public airways from 9 a.m. to noon, weekdays.

Ross said he intends to stay on air until candidates officially file for office with the Washington Secretary of State's office in July filing is later in this state than in many others.

That might be the legal threshold triggering federal equal-opportunity rules, which require radio and TV stations to provide equal time for opponents of candidates who appear on air outside of newscasts. But Ross is already a serious contender and will be raising money.

At least one candidate, Democrat Alex Alben, is asking KIRO for equal time.

Ross' decision stretches the bounds of fairness and raises questions about KIRO Newsradio's credibility in coverage of the campaign, which has drawn seven candidates. The station's Web site Friday unabashedly heralded Ross' candidacy with headlines stating "Dave for **Congress** (1)" and "Dave for **Congress** (2)," and a prominent link to his campaign Web site.

Paul Berendt, chairman of the state Democratic Party, recruited Ross to run for **Congress**, despite two announced party candidates. Berendt figures the award-winning commentator's moderate bent, smart talk and name familiarity will fare better against the Republican frontrunner, King County Sheriff Dave Reichert.

Other media outlets have handled their personalities-turned-candidates with a stronger sense of fairness. When KVI talk-show host John Carlson announced he would run for governor in March 2000, he was off the air immediately and newspapers dropped his column.

When longtime Seattle Times columnist Jean Godden announced she was running for Seattle City Council in August, she resigned.

Ross is known to his listeners as head of the "East Lake Avenue Crusaders for Common Sense." He ought to reconsider his decision by applying a sense of fairness.

**GRAPHIC:** photo; **Dave Ross** (0394188053)

**LOAD-DATE:** May 26, 2004

◀ [prev](#) Document 103 of 139 [next](#) ▶

**EXHIBIT 11**

26044133244



Copyright 2004 Seattle Post-Intelligencer  
THE SEATTLE POST-INTELLIGENCER

May 26, 2004, Wednesday FINAL

**SECTION:** NEWS, Pg. B1

**LENGTH:** 774 words

**HEADLINE:** ADS TO CRITICIZE ROSS ON HIS SHOW  
ANOTHER CONGRESSIONAL HOPEFUL PAYS FOR SPOTS

**BYLINE:** CHRIS MCGANN P-I reporter

**BODY:** **Dave Ross**, KIRO-AM/710's "Eastlake Avenue Crusader for Common Sense" and newly announced candidate for the 8th Congressional District seat, is facing assaults on his character this morning - broadcast smack in the middle of his own radio program.

Campaign ads scheduled to run today and for the rest of the week on "The **Dave Ross** Show" and in one other morning slot will tell listeners: "The Alex Alben for **Congress** campaign paid for this 60-second ad, but when **Dave Ross** talks about the issues, he gets \$72,000 worth of free air time every day...All candidates need to play by the same rules, and voters deserve elections that are free and fair."

[ Ross, who announced last week that he will run as a Democrat for the seat being vacated by Republican Jennifer Dunn, said yesterday that he will not respond to the ads on the air. ]

"It will be as if nothing happened," Ross said.

He has promised station management that he would not use his show for campaigning or for discussing issues that would be of unique interest to voters in the 8th District.

[ But even so, Ross' bottom-line refusal to relinquish the mike is making his first steps out of broadcasting and into politics increasingly awkward. ]

Ross says he is already receiving e-mail from listeners who have been tuning in to his show for years but who say they won't vote for him because of the apparent impropriety staying on the air represents.

To that and other criticism, Ross said, "I guess that gives the lie to people who say that staying on the air is helping my campaign."

Ross was recruited by state Democratic Party Chairman Paul Berendt, who was looking for a well-known candidate to compete with the star-power of King County Sheriff Dave Reichert. Reichert is running for the seat as a Republican.

Ross said that he intends to keep his word to the station and stay on the air until it takes him off.

"Dave gave his word to Entercom that he would fulfill his contract with Entercom as long as it's legal," said Tina Nole, producer of "The **Dave Ross** show," "and we think it's legal."

[ Alben's campaign spent \$8,100 to run the ads on KIRO after the station ignored his ]

objections about Ross remaining on the air while at the same time running for federal office.

Attorneys for Alben, who is also running for the 8th District seat as a Democrat, spearheaded the attack yesterday by threatening to file a formal complaint with the Federal Election Commission.

In a letter to Entercom, they contended that KIRO's parent company, Entercom Inc., was in "continuing violation of federal election law" and that an FEC complain would be filed "if remedial action is not taken by KIRO radio, immediately."

Attorneys and managers for KIRO have maintained that the law allows the station to keep Ross on the air until he officially files as a candidate, planned for late July.

Ken Berry, KIRO's station manager, said that Ross would remain on the air and that the station had no qualms about running the ads.

"The content doesn't bother us," Berry said. "And we never wanted to deny Alex a chance to be on the air."

Previously, KIRO had denied Alben's request for equal time based on a Federal Communications Commission rule.

In yesterday's letter to Entercom, Alben's attorney James Lamb said:

"It appears that Entercom has made a prohibited contribution in connection with a federal election to **Dave Ross** for **Congress** by providing Mr. Ross with a forum on KIRO radio to discuss his campaign, solicit contributions and discuss his views on public policy issues. The estimated value of this forum is \$72,000 per three-hour show.

"Every day that Mr. Ross remains on the air amounts to another \$72,000 contribution by Entercom to his campaign. By the end of this week, the value of Entercom's in-kind contributions to Mr. Ross will reach almost \$500,000. We will be left with no alternative but to file a formal complaint with the FEC regarding Entercom's continuing violation of federal election law if remedial action is not taken by KIRO radio, immediately."

Ross said quitting before the station finds a replacement would be unethical because of his contractual obligations to Entercom.

"These people have been very good to me," he said. "I have tried to keep them in the loop every step of the way. I've got six weeks of vacation that I could take tomorrow and end this whole thing - but I just don't think that is fair to them.

"Quite frankly, it would be way easier for me to campaign if I was off the air," Ross said.

P-I reporter Chris McGann can be reached at 206-448-8169 or chrismcgann@seattlepi.com

**GRAPHIC:** Color Photo  
KIRO-AM/710: Ross

**LOAD-DATE:** May 27, 2004

◀ [prev](#) Document 99 of 139 [next](#) ▶

26044133247

## EXHIBIT 12



Copyright 2004 The Seattle Times Company  
The Seattle Times

July 24, 2004, Saturday Fourth Edition

**SECTION:** ROP ZONE; Local News; Pg. B3

**LENGTH:** 416 words

**HEADLINE:** Ross signs off for campaign

"Common-sense" leader makes run for **Congress** | Staying on air could have given him unfair advantage

**BYLINE:** Warren Cornwall; Seattle Times Eastside bureau

**BODY:**

The headquarters for the Eastlake Avenue Crusaders for Common Sense has closed.

After spending roughly 20,000 hours on the talk-radio airwaves of Puget Sound, **Dave Ross** and his distinctive bass voice left the microphone yesterday and hit the congressional campaign trail full time.

A fixture of Seattle talk radio for nearly 17 years, with his trademark declaration as a leader of the common-sense crusaders, signed off less than two months before his name will appear on the ballot for the Sept. 14 primary in the 8th Congressional District.

"Don't marry just for love, marry for trust," he said as the final seconds of his 9 a.m.-to-noon show ticked down. "Learn to sing. And if you avoid the temptation to seek only happiness, my friend, you will find it."

His departure ends the controversial final weeks for a current-events show that consistently ranked as one of the most popular in the region.

Ross' decision to stay on the air after he entered the congressional race in late May triggered objections from both Republicans and Democrats, who said the show gave him free airtime and an unfair advantage. Democratic opponent Alex Alben warned that the show amounted to an illegal campaign contribution, a charge the radio station, KIRO-AM (710), rejected.

"All candidates need to play on a level playing field," Alben reiterated yesterday. "Now that he's going to be campaigning full time, I expect to have a spirited, intelligent race."

Ross, however, said he doesn't regret the decision because he had little choice in the matter. He has said he was bound by a contract and promised to remain until they found a replacement. Federal broadcasting laws also would have forced Ross to leave, or give equal airtime to opponents, starting by the end of next week, when he must register to get on the ballot.

Ross faces two opponents in the primary, Alben and Heidi Behrens-Benedict, in a suburban district that includes much of East and South King County and East Pierce County.

Radio station manager Ken Berry has said that if Ross isn't elected, he's welcome to return to his show.

Ross, apparently referring to the possibility he would return to the air as either a congressman or a talk-show host, took a page another celebrity-turned-politician, California

Gov. Arnold Schwarzenegger.

"I leave you with one final warning," Ross said as he signed off. "One way or another I will be back."

Warren Cornwall: 206-464-2311 or [wcornwall@seattletimes.com](mailto:wcornwall@seattletimes.com)

**GRAPHIC:** photo; John Lok / The Seattle Times : Producer Tina Nole wipes away a tear as radio talk-show host **Dave Ross** embraces her yesterday after finishing his final broadcast at KIRO in Seattle. Ross, who has been with KIRO for 26 years, now will focus his efforts on his candidacy for the 8th Congressional District. (0394419610)

**LOAD-DATE:** July 25, 2004

◀ [prev](#) Document 55 of 139 [next](#) ▶

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**EXHIBIT 13**

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**CBS News** Transcripts

1

**SHOW:** The Osgood File (Various Times) - CBS

August 16, 2004 Monday

**TYPE:** Commentary

**LENGTH:** 331 words

**HEADLINE:** National Conference in Baghdad

**REPORTERS:** DAVE ROSS

**BODY:**

**DAVE ROSS** reporting:

Are we watching the seeds of democracy or the seeds of chaos? More after this from Charlie.

(Announcements)

ROSS: What's called the National Conference is now under way in Baghdad, a gathering of 1,000 religious, tribal and political leaders from across Iraq. Whether or not they make any progress remains to be seen, but simply the fact that there are that many politicians in Iraq willing to gather under one roof is in itself pretty remarkable. To step up and declare yourself a politician in Iraq takes a kind of personal courage that we don't begin to appreciate here. And that point was hammered home in unmistakable terms when a barrage of mortar shells aimed at the conference center inside the green zone fell short and hit a bus station. The conference delegates, who have probably become used to the daily explosions in Baghdad, moved away from the windows and pushed on with their speeches. "I greet you from the mass graves of Babylon Province," said one impassioned delegate, "We have paid with the blood of martyrs massacred by Saddam to be able to stand here today." It wasn't the attacks in Baghdad, but the fighting outside Baghdad in Najaf that threatened to upend the conference. The cease-fire in the holy city has collapsed, the fighting continuing in a huge labyrinthine cemetery, and a US shell exploding uncomfortably close to the sacred Imam Ali Shrine, which, from what I read, is the Pandora's box of our time. Breach that golden dome and the real nightmare begins.

I watch these events and I wonder which will end up being the one that tips history this way or that? A gang of insurgents who fire a lucky mortar round at Baghdad? A tank commander who aims just a little too high in Najaf? Or an orator in an auditorium who strikes just the right tone, who finds just the right words to make everyone stop, take a breath and choose civilization over chaos?

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 17, 2004

◀ [prev](#) Document 21 of 34 [next](#) ▶

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**CBS News** Transcripts

2

**SHOW:** The Osgood File (Various Times) - CBS

August 16, 2004 Monday

**TYPE:** Commentary

**LENGTH:** 356 words

**HEADLINE:** Government warnings about Hurricane Charley

**REPORTERS:** DAVE ROSS

**BODY:**

**DAVE ROSS** reporting:

It's become stylish lately to poo-poo government warnings of impending disaster. But Hurricane Charley proved there is at least one type of government warning that you ignore at your peril. More after this.

(Announcements)

ROSS: Lately when the government issues a warning, somebody always raises the question of unnecessarily frightening the public. But if there was any quibble with the warnings about Hurricane Charley is that they weren't frightening enough.

Unidentified Man: By the time we knew that we were in trouble, serious trouble, it was way too late to evacuate.

ROSS: Forecasters point out that they had been sounding the alarm for days, but some people just didn't listen.

Unidentified Woman: Like, we didn't think we were going to get as much as we got. And we're standing there in the kitchen watching the patio blow away, you know? And then it kind of hits you, we'd better go somewhere in a closet.

ROSS: Another issue was the promptness of the president's visit. In any other year, a presidential tour of a disaster area would be routine, but when President Bush showed up in Punta Gorda, tongues wagged as if it was an attempt to get votes in a swing state. Nonsense, said the president.

President GEORGE W. BUSH: The government's job is to help people help and rebuild their lives, that's what's happening.

ROSS: He pointed out that, had he waited, people would then have criticized him for that.

Now, I know it's the job of the media to find controversy everywhere we can, but there ought to be at least some logic to it. So let me suggest the following: that the real issue in Florida is not the warning system or the president's visit, the real issue is how fast the water and electricity are restored, because we have a standard of comparison now, we have the Herculean effort to restore water and power in Iraq; the people of Florida, therefore, have every right to expect a well-organized all-out 24/7 no excuses response, especially since, in

Florida, American contractors will actually be welcome.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 17, 2004

◀ [prev](#) Document 20 of 34 [next](#) ▶

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**CBS News** Transcripts

3

**SHOW:** The Osgood File (Various Times) - CBS

August 16, 2004 Monday

**TYPE:** Commentary

**LENGTH:** 351 words

**HEADLINE:** Approval ratings of New Jersey's governor

**REPORTERS:** DAVE ROSS

**BODY:**

**DAVE ROSS** reporting:

It was one of the stranger moments of the Clinton administration, that his impeachment actually made him more popular than before. And now there's a story that the governor of New Jersey may be benefiting from the same strange phenomenon. More after this from Charlie.

(Announcements)

ROSS: According to a poll in the Star Ledger of Trenton, Governor Jim McGreevey's disclosure that he is gay, committed adultery with other men, and will resign hasn't changed his approval rating, if anything, the story says, it has boosted his rating. Pollsters called up 400 adults after McGreevey's announcement and found that the governor's approval rating was 45 percent, or 2 points higher than it was two weeks earlier. Apparently, there are frequent polls about the performance of the governor of New Jersey, the reason being to determine, well, frankly, I have no idea what the reason would be. Perhaps there are significant numbers of governors wondering whether revealing a gay love affair could be just the boost they need with the electorate. But I doubt it.

Of course, the simple explanation is that the margin of error in the poll being plus or minus 5 percent basically means that a 2-point change is meaningless. But never let the margin of error ruin an interesting result. No, I think what's going on here is far more insidious. I think what's happened here is that the whole political scandal genre may be losing its appeal. For example, just in the past week we've had the gripping testimony of Amber Frey, the other woman in the Scott Peterson trial, a top Greek athlete disappearing on the eve of a drug test, and the National Enquirer's spread about Britney Spears' cellulite. And, well, I'm sorry, but a governor stepping out with another man is just another he said/he said story. I mean, the bar has been raised. From what I've been reading about New Jersey politics, this kind of stuff runs in the real estate section. Those 400 pollees probably dozed off half-way through the questioning.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 17, 2004

◀ [prev](#) Document 19 of 34 [next](#) ▶

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4

**SHOW:** The Osgood File (Various Times) - CBS

August 16, 2004 Monday

**TYPE:** Commentary

**LENGTH:** 343 words

**HEADLINE:** On board driving surveillance in cars

**REPORTERS:** DAVE ROSS

**BODY:**  
**DAVE ROSS** reporting:

Your next car could have the cop built right in. More after this from Charlie.

(Announcements)

ROSS: As you know, car insurance can be pretty expensive. You can save a few percent by having a good driving record, but that's nothing compared to what you could save if you're willing to go the next step. The next step is a device the size of a matchbook that attaches just under the steering wheel of any car built since 1996 and which can provide your insurance company with a complete record of how you drive. Progressive Insurance of Cleveland is trying out the system in Minnesota to see if drivers are willing to have an on board electronic cop monitoring their time on the road, distance driven and, of course, speed. Why would anyone consent to this? Because, in exchange for letting your insurer peek over your shoulder, you get a discount of as much as 25 percent. That's the promise anyway.

Given that American drivers are trained from birth to go at least five miles over the posted limit, full discounts could be scarce. But it is a novel approach to car insurance, which typically just guesses at your driving style, but examining indirect indicators such as sex, marital status, type of car and sometimes GPA. The drawback there is that you might outwardly fit the safe driving profile and yet be secretly possessed by freeway demons, the underwriters would never know; but the new device, known as Trip Sense, knows everything and rewards you not only for maintaining a reasonable speed, but for responsible decisions such as staying off the road between midnight and 4 AM. Quite an ingenious concept, I think.

You know, with all the surveillance going on these days, I've been wondering how we would actually collect all this information, because it's to the point where you'd have to have half the nation spying on the other half. But if you can get people to agree to do surveillance on themselves in exchange for a discount, problem solved.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 17, 2004

◀ [prev](#) Document 18 of 34 [next](#) ▶

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S

**SHOW:** The Osgood File (Various Times) - CBS

August 17, 2004 Tuesday

**TYPE:** Commentary

**LENGTH:** 332 words

**HEADLINE:** 9/11 commission's request to have driver's licenses to have federal standards

**REPORTERS:** DAVE ROSS

**BODY:**  
**DAVE ROSS** reporting:

One of the recommendations of the 9/11 commission was to establish federal standards for ID, and they want to start with driver's licenses. More after this from Charlie.

(Announcements)

ROSS: The 9/11 report points out that all but one of the hijackers acquired some form of US identification document, some by fraud. Everyone knows that one of the reasons the hijackers had no trouble boarding their flights on that day was that they had driver's licenses. So members of the 9/11 commission are pushing for a system that applies federal standards to driver's licenses. And this is going to start a debate on the wisdom of what could become a federal ID card.

It'll be hard to avoid the issue this time, the 9/11 panel enjoys a lot of respect, and the recommendation is right there in bold print on page 390. But the American Civil Liberties Union still has its doubts. Marvin Johnson, the ACLU's legislative counsel, foresees a national database that would let the government keep track of where you travel. Which, of course, would be the whole idea. Any kind of ID system imposes a burden on the 99 percent of people who are good in order to catch the 1 percent who are bad. Heck, the current driver's license system is a nuisance made necessary by the fact that without it, some people would just jump into a car before learning how to drive it, and create vehicular havoc.

But there's my concern, will it truly be possible to come up with a driver's license that can't be faked? And in the case of a terrorist who has no criminal record, which I figure is the kind of person they're recruiting these days, how exactly would a tamper-proof license certify that the holder is a non-terrorist?

You don't have to have a particularly long commute to know that driver's licenses don't necessarily perform even their primary function, that being to certify that the holder is a competent driver!

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 17, 2004

◀ [prev](#) Document 17 of 34 [next](#) ▶

26044133256

6



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**SHOW:** The Osgood File (Various Times) - CBS

August 17, 2004 Tuesday

**TYPE:** Commentary

**LENGTH:** 329 words

**HEADLINE:** American incomes

**REPORTERS:** DAVE ROSS

**BODY:**

**DAVE ROSS** reporting:

New income figures for Americans demonstrate a remarkable phenomenon, that the rich are getting richer and the poor aren't. More after this from Charlie:

(Announcements)

ROSS: One of the big questions puzzling us all is, how come if there's a recovery going on, and more jobs are being created, so many people feel so insecure? Perhaps the latest government data can tell us. The latest income data shows that the gap between the richest Americans and the non-richest Americans has been steadily increasing. for example, in 1973, the wealthiest 20 percent of households collected 44 percent of the total income in the US. By 2002, the wealthiest 20 percent were up to 50 percent of total income. Meantime, over the same time period, the bottom 20 percent saw their share drop from 4.2 percent to 3.5 percent of income. So it appears the wealth gap is getting wider. Although keep in mind that these are not necessarily the same people. There are many people who were poor in 1973 who are quite comfortable today, and vice versa.

But it does mean that, even for those who have achieved a level of financial security, when they look down, they notice that they have a lot farther to fall than they used to. Maybe that explains some of the middle class angst. Another reason may be this, that even though the economy has added more than a million jobs in the past three and a half years, those new jobs are concentrated in health care, food service, and temp agencies, which provide fewer benefits and don't pay as much. In fact, temp agencies alone account for about a fifth of all new jobs.

But the good news is that an expanding wealth gap makes certain merchants very happy. Spending at stores such as Saks Fifth Avenue, Neiman-Marcus and Porsche Cars North America is way up. So that those of you who can't actually shop there at least know where to apply for that temp job.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 17, 2004

◀ [prev](#) Document 16 of 34 [next](#) ▶





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7

**SHOW:** The Osgood File (Various Times) - CBS

**August 17, 2004 Tuesday**

**TYPE:** Commentary

**LENGTH:** 331 words

**HEADLINE:** Low number of air marshals

[ **REPORTERS: DAVE ROSS** ]

**BODY:**

**DAVE ROSS** reporting:

Since 9/11, we have tightened security checks, hardened cockpit doors, and air marshals on every flight. Or so we'd like to think. Actually, according to the Washington Times, you probably shouldn't be banking on the air marshals. More after this.

(Announcements)

ROSS: I don't think I'm dreaming here, but I had the distinct impression that, post-9/11, most, if not all planes were supposed to have air marshals on board. Maybe that's because after 9/11 that's exactly what members of Congress were demanding, two marshals on every airplane. Sometimes, passengers will even get into a guessing game at the gate scoping guys in bad sport coats, looking for the tell-tale bulge. Air marshals travel incognito, of course, but I always feel better if I can find someone who at least looks like he could be the air marshal.

Well, according to a story in the Washington Times, all this is very likely an exercise in wishful thinking. The Times reports that less than 5 percent of the daily flights in the US are protected by federal air marshals. And, as small as that is, the number is actually declining. The actual number of air marshals is classified, but the Times was able to infer the number by talking with various airline sources, and concluded that we have no more than 3,500 air marshals responsible for 35,000 flights a day.

And for those of you who say why publicize this and tip off the terrorists, the Times points out that you could reach the same conclusion using documents already on the Internet, so the terrorists probably knew long ago.

Yeah, well, never mind tipping off the terrorists, why'd you have to tip us off? I felt better back when I could assume every guy with a bulge in his sport coat was there to protect me. Now it appears all those people we thought were air marshals simply had bad taste in clothing and were trying to smuggle a decent sandwich on board.

THE OSGOOD FILE. Dave Ross on the CBS Radio Network.

**LOAD-DATE:** August 17, 2004

◀ prev Document 39 of 139 next ▶

8



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**SHOW:** The Osgood File (Various Times) - CBS

August 17, 2004 Tuesday

**TYPE:** Commentary

**LENGTH:** 336 words

**HEADLINE:** Kids' report cards and attendance online

**REPORTERS:** DAVE ROSS

**BODY:**  
**DAVE ROSS** reporting:

Oh, the jig is up now, kids, report cards and your test scores are online. More after this from Charlie.

(Announcements)

ROSS: Once upon a time, when a student got a lousy grade, he could strategically misplace the report card. In fact, I knew a kid who once tried to take a razor blade to his handwriting grade, although I cannot tell you how I know that. But In Tucson, Arizona, that little game is over. For the past year, the Tucson Unified School District has been putting student records, including grades and progress reports, on a confidential section of its Web site, accessible by parents. The site also includes attendance reports, so if a student misses a class, the parent can logon and read the excuse their child gave. Talk about a chilling effect on free speech! And no more running home to erase the truancy message from the voice mail, the records cannot be erased from the computer. So far, anyway.

Once parents register for the service, they can access the records from anywhere in the world. And there are a lot of records to access. In the Tucson system, parents can see how their student performed on standardized tests, including how the scores compared to children across the country. The system can even track your child from year to year across specific content clusters. And if you want to know how your child's attendance is affecting his achievement, you can see attendance averages by quarter and see your child's attendance for each class displayed next to the grade he received for that class.

Now, some kids may chafe at this level of communication, but they might as well get used to it. We live in a world where the monitoring starts with the day care Web cam that mom and dad can monitor from work. And we do it, kids, we do it because we love you and because we know that, if we didn't monitor you, you might get away with the same stuff we did. And that, frankly, scares us.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 17, 2004

◀ prev Document 14 of 34 next ▶

26044133259

9

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**SHOW:** The Osgood File (Various Times) - CBS

August 18, 2004 Wednesday

**TYPE:** Commentary

**LENGTH:** 351 words

**HEADLINE:** Support for war in Iraq waning

**REPORTERS:** DAVE ROSS

**BODY:**  
**DAVE ROSS** reporting:

THE OSGOOD FILE. Sponsored by Epson printers. Brilliance that lasts. This is **Dave Ross** on the CBS Radio Network.

The very people who stuck with the war the longest are now beginning to wonder. More after this from Charlie.

(Announcements)

ROSS: The latest Associated Press poll shows that some of the strongest supporters of the war in Iraq are having trouble finding the up side. Nine months ago, when Saddam Hussein was finally caught public support of the president was sky-high, 2-1 in favor. And why not? With Saddam captured, the dead-enders would finally give up, the insurgency would stop, he'd hand over the keys to the anthrax lab, the case for war would be vindicated and our troops could come home. Or so we were led to believe. But, as it turned out, what we got out of Saddam's capture were stubborn memories of what his tonsils looked like. As a result, the public today is divided 50/50 on whether the decision to go to war was right or a mistake. Among those groups growing skeptical are older people, minorities, people with lower incomes, residents of the Northeast, and Catholics. Those hanging in there are Southerners, those who earn more than 50,000 a year, and young adults.

As for party affiliation, nine in 10 Republicans still say deposing Saddam, regardless of the evolving rationale, was the right thing to do. While eight in 10 Democrats say it was wrong. No surprises there, that's what the presidential campaign is all about. As for the future, division on that too, just over half of those polled say the United States must stay until the job is done. But what is the job and how will we know when it's done? Instead of democracy, a system of local warlords seems to be evolving. Warlords who've learned that you don't need weapons of mass destruction to keep a super power at bay, just a sacred shrine and a few hundred well-armed followers.

Nine months after the capture of Saddam, the fight is no longer for Iraqi hearts and minds, it's for American hearts and minds.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 18, 2004

◀ [prev](#) Document 13 of 34 [next](#) ▶



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10

**SHOW:** The Osgood File (Various Times) - CBS

August 18, 2004 Wednesday

**TYPE:** Commentary

**LENGTH:** 350 words

**HEADLINE:** Illinois governor's plan to import prescription drugs

**REPORTERS:** DAVE ROSS

**BODY:**

**DAVE ROSS** reporting:

THE OSGOOD FILE. This is **Dave Ross** on the CBS Radio Network.

The drug crisis drives Illinois over the edge. More after this.

(Announcements)

ROSS: As everyone knows, there is a federal ban on importing prescription drugs from other countries. The reason for this ban is to protect the public, because it turns out that something bizarre happens to drugs when they cross international borders, they become suddenly and irreversibly cheaper. And so far, drug companies have failed to come up with a tamper-proof package capable of preventing this terrifying phenomenon. The governor of Illinois, however, has decided that he doesn't care what the FDA says, he plans to set up within a month an online clearing house that will help any Illinois resident buy drugs not only from Canada but from Ireland and the UK as well. The FDA is upset and so is House Speaker Dennis Hastert, he thinks that Illinois Governor Rod Blagojevich should be held personally liable in the event these re-imported drugs kill somebody. But the governor, he is very sneaky. He set up the system so that each overseas pharmacy is certified by the state and subject to the same inspections and regulations used in Illinois.

Man, providing prescription medicine that's both cheap and safe, this shows how out of control Illinois has become. But there's more. By one account, importing cheaper prescription drugs for state employees and retirees will put the state of Illinois in danger of saving \$91 million a year. And if the program were to be extended to all Illinois residents, the savings would be a catastrophic \$1.9 billion in just the first year. Savings like that would screw up the whole health care system because it would mean that patients could buy both their pills and eat, creating widespread feelings of security and contentment. No wonder Speaker Hastert wants to crack down on rogue drug-importing states like Illinois. If this spreads, we'd all be a bunch of wussy Europeans. Healthy, but wussy.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 18, 2004

◀ prev Document 12 of 34 next ▶

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**SHOW:** The Osgood File (Various Times) - CBS

August 18, 2004 Wednesday

**TYPE:** Commentary

**LENGTH:** 342 words

**HEADLINE:** Open access doctor's office

**REPORTERS:** DAVE ROSS

**BODY:**

**DAVE ROSS** reporting:

A doctor who will take you right away? A few doctors are starting to say 'Why not?' More after this from Charlie.

(Announcements)

ROSS: The one thing you need before you visit a doctor in America, even before a health plan, is an appointment. We've all heard those nightmare stories about the waiting lists in those countries with national health care, but we have waiting lists, too. A recent survey in 15 US cities found that the average wait for a cardiology exam was 19 days. The wait for an OB/GYN exam 23 days. The average wait for a dermatology appointment 24 days. The longest waits, strangely enough, were in Boston, a city whose name is synonymous with health care. But some doctors have decided it doesn't have to be that way and have eliminated the waiting. One of them is Dr. Gordon Moore of Rochester, New York, who quit his physicians group three years ago and started a solo practice where patients can get appointments the same day. If you want a physical, come on down, same day. Sprain an ankle, come on down. No need to go to the emergency room, the regular doctor will see you right now.

The industry calls this open access and, in Dr. Moore's case, it not only means better service for patients who are no longer double and triple booked to make up for no-shows, but more time for him. In fact, when you call Dr. Moore, there's a good chance that he'll answer the phone himself.

The open access system can also save money. The theory is that if patients know they could see a doctor the same day, they're less likely to ignore health problems and, therefore, less likely to end up in the emergency room. And one more thing, since Dr. Moore cleared his appointment book, he's actually making more money, which tells me that open access will some day be coming to a clinic near you.

Now, I am going to miss those happy hours spent in the waiting room reading Modern Physician and Golf Digest, but it's the price of progress.

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**LOAD-DATE:** August 18, 2004

◀ [prev](#) Document 11 of 34 [next](#) ▶

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12

**SHOW:** The Osgood File (Various Times) - CBS

**August 19, 2004 Thursday**

**TYPE:** Commentary

**LENGTH:** 337 words

**HEADLINE:** Representative Doug Bereuter of Nebraska tells constituents he thinks the war was a mistake after he announces plans of retiring from **Congress**

**REPORTERS:** DAVE ROSS; CHARLES OSGOOD

**BODY:**

**DAVE ROSS** reporting:

It's the most dangerous thing that can happen to a politician - a candor attack. More after this from Charlie.

CHARLES OSGOOD reporting:

Thank you, Dave.

(Announcements)

ROSS: By all accounts, Representative Doug Bereuter of Nebraska's 1st District has been a loyal Republican. He is a senior member of the House International Relations Committee and vice chairman of the House Intelligence Committee. In 2002, he spoke in favor of the resolution authorizing the use of force in Iraq. But he has since changed his mind. There was no news conference, no announcement on his Web page. Rather, he sent a letter to constituents who had written him about the war. A letter which says, quote, "I've reached the conclusion, retrospectively, now that the inadequate intelligence and faulty conclusions are being revealed, that it was a mistake to launch that military action." He didn't go so far as to say the intelligence was intentionally misconstrued, but he concluded the war was unjustified.

This is not something a good Republican would normally say. But Representative Bereuter doesn't have to worry about that now, because after 13 terms, he is stepping down to become the president of the Asia Foundation. You see, now why is it that politicians get these candor attacks after they're no longer candidates? It's supposed to be just the opposite, right? A candidate is supposed to be candid, from the Latin candidatus, meaning clothed in white, as in open book, nothing to hide, someone free to speak his mind. And voters love that straight talk stuff.

So what is it that would make someone like Representative Bereuter wait until he was a lame duck to speak up? I think it's because while voters welcome candor, parties reward loyalty. And without the support of the party, you can't even get to the voters. Which is why it can be so hard to be a candid candidate and so much easier to be a candid non-candidate.

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13

**SHOW:** The Osgood File (Various Times) - CBS

August 19, 2004 Thursday

**TYPE:** Commentary

**LENGTH:** 341 words

**HEADLINE:** Cost of health care keeping companies from hiring full-time employees

**REPORTERS:** DAVE ROSS

**BODY:**

**DAVE ROSS** reporting:

If you were looking for another reason why America needs health care reform, here it is. Government data shows the cost of health care is keeping businesses from hiring full-time workers. They'll hire temp workers, all right, but the last thing any business wants is a full-time worker who might get sick and rack up hospital bills. I see only one way out. More after this.

(Announcements)

ROSS: Health insurance now costs business an average of \$3,000 per full-time worker, which is \$3,000 that most businesses would rather not spend. And the cost is increasing at three times the rate of inflation. So as the economy recovers and employers add workers, they're looking for ways to make sure they do not add full-time workers to avoid those ever-rising health care costs. What to do. Republicans and Democrats have plans to expand health coverage, but if you read these plans, your eyes glaze over, and try as you might, you will look in vain for anything that guarantees you'll be covered.

Doesn't it drive you nuts that with all the other scary stuff going on we still have to sweat health care? But that's where we are. And since neither candidate is willing to provide a guarantee of coverage, I can think of only one way out. You're familiar with the concept of drug reimportation? That's where an American drug company sends an expensive drug to Canada where Canadian laws magically transform it into an inexpensive drug, whereupon it is reimported into the United States at the cheaper price. Well, it's time to go the next step, and that is patient reimportation. Americans would emigrate en-masse to Canada, get Canadian citizenship, then apply for green cards to work at our old jobs in America. Then if we need to see a doctor, we just hop the Greyhound. We get guaranteed health care, and Canada, with the influx of tens of millions of new citizens, gets a chance to become a superpower, which would also give us a break.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio network.

**LOAD-DATE:** August 23, 2004

◀ [prev](#) Document 10 of 34 [next](#) ▶

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14

**SHOW:** The Osgood File (Various Times) - CBS

August 19, 2004 Thursday

**TYPE:** Commentary

**LENGTH:** 340 words

**HEADLINE:** Pew Research Center poll finds number one concern among Americans today is security

**REPORTERS:** DAVE ROSS

**BODY:**  
**DAVE ROSS** reporting:

A new poll asked Americans what their biggest concern was. And in a nation whose large cities are on orange alert and whose bookstores have sold out of the 9/11 commission report, you'll never guess the answer. More after this.

(Announcements)

ROSS: According to a new poll by the Pew Research Center, the number one concern among Americans today is security. Conventional wisdom tells us it should be the economy, but it's not, it's security. Let's think about why that would be. Hmmm. Could it be because that's all anybody talks about? Every presidential speech, every vice presidential speech, every presidential candidate speech, - there's always something about being tough on the terrorists who are either casing buildings, renting limos, climbing into wetsuits or planning to hijack helicopters. And even though we hear of the occasional high-profile arrest, I get the feeling we are never going to hear the all-clear.

In the poll, 40 percent of us are stressing on war, terrorism and foreign policy, compared to only about 25 percent stressing on the economy. The poll also found that we're tired of tiptoeing around the problem. Forty-three percent feel the use of torture is sometimes justified in the fight against terror.

What is happening to us? We used to be such an optimistic, upbeat, can-do country. Now, we're all just waiting for some terrorist catastrophe. We can accept mammoth hurricanes, killer tornadoes, out-of-control forest fires, but it's those terrorists hidden among us that have us spooked, which is why the presidential race may hinge on who can best protect us from terrorism.

And yet, if it's true security we're worried about, the race ought to hinge on who can reduce the number of fatal car wrecks or who can get the most people to stop smoking or who can control all the weird chemicals migrating into the food supply. And come to think of it, how do we know terrorists aren't doing all those things?

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**LOAD-DATE:** August 23, 2004

◀ [prev](#) Document 9 of 34 [next](#) ▶

26044133265



15

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**SHOW:** The Osgood File (Various Times) - CBS

August 19, 2004 Thursday

**TYPE:** Commentary

**LENGTH:** 342 words

**HEADLINE:** Owner of True Blue Texas Roadhouse sued by owners of Texas Roadhouse for trademark infringement

**REPORTERS:** DAVE ROSS; CHARLES OSGOOD

**BODY:**

**DAVE ROSS** reporting:

When is a name deceptive? In a moment, the case of the True Blue Texas Roadhouse. But first, this from Charlie.

CHARLES OSGOOD reporting:

Thank you, Dave.

(Announcements)

ROSS: Douglas Bode, aged 38, decided to open a bar in La Vernia, Texas. And one night, while driving with friends, he came up with a name for his new bar: The True Blue Texas Roadhouse. And after checking with a clerk in Wilson County to make sure the name was available, he opened the True Blue Texas Roadhouse in a 40-by-100-foot corrugated metal building. That was two years ago. And then he got a letter from some lawyers, lawyers representing a chain called Texas Roadhouse. They demanded he change the name of his place, saying customers might get confused. 'What confusion?' Doug said. 'You're the Texas Roadhouse, we're the True Blue Texas Roadhouse.' But no matter, Bode had himself a lawsuit.

Now, you can consult with five different lawyers on this and probably get five different opinions. But as I understand it, the whole purpose of trademark law is to make sure that you get what you think you're getting. And the problem I see with this particular restaurant chain suing to protect the name Texas Roadhouse is that it's based in Kentucky. It's got 24 franchises in Texas, but it's based in Kentucky. Its first restaurant opened in Indiana, and most of its other restaurants aren't in Texas. I mean, there's a Texas Roadhouse in Cranston, Rhode Island, for heaven's sake. But alas, no judge nor jury ever got to decide on the merits of the case. Bode settled out of court, unable to pay the 15 to \$25,000 he'd need to fight the suit. And under the settlement, he must drop the word Texas. Doug's bar is now known as simply the True Blue Roadhouse. It's still in La Vernia, Texas, US 87, just about 25 miles southeast of San Antonio. But if you ask anybody in town where the Texas Roadhouse is, I hear they point you in the direction of Rhode Island.

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16

**SHOW:** The Osgood File (Various Times) - CBS

August 20, 2004 Friday

**TYPE:** Commentary

**LENGTH:** 366 words

**HEADLINE:** Competing groups putting out attack ads about Bush's and Kerry's war experiences

**REPORTERS:** DAVE ROSS; CHARLES OSGOOD

**BODY:**

**DAVE ROSS** reporting:

Say, if the Iraq war didn't make us safer, maybe refighting Vietnam will. More after this from Charlie.

CHARLES OSGOOD reporting:

Thank you, Dave.

(Announcements)

ROSS: It began when a pro-Bush group called Swift Boat Veterans for Truth ran this attack ad on Candidate John Kerry:

Unidentified Man #1: (From political ad) John Kerry lied to get his Bronze Star. I know. I was there. I saw what happened.

ROSS: It was followed by an ad from the pro-Kerry group, MoveOn.org, belittling George W. Bush's Vietnam record.

Unidentified Man #2: (From political ad) George Bush used his father to get into the National Guard, was grounded, and then went missing.

ROSS: Then the Washington Post came out with a story that Larry Thurlow, one of the Swift Boat veterans in the first attack ad, may have credibility problems of his own. Thurlow said that John Kerry was not under hostile fire when he saved the life of an Army Green Beret and therefore didn't deserve a Bronze Star. Thurlow ought to know, he was there that day. And yet his own service record also describes small arms fire during the very same mission. He explained the apparent discrepancy by claiming that John Kerry's fraudulent account was used to back up both their awards. Kerry, in a speech to the firefighters, blamed all this on President Bush.

Senator JOHN KERRY: Well, if he wants to have a debate about our service in Vietnam, here is my answer: Bring it on!

ROSS: But I should point out that, strictly speaking, the candidates officially had nothing to do with any of these attack ads. Under campaign finance reform, these ads were prepared

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by independent groups, not by either campaign, part of the effort to take the soft money out of politics and elevate the tone of the debate. Are we feeling inspired yet?

By the way, my late grandfather, a veteran of the First World War, told us about his combat experiences from time to time, and we later came to suspect that there might have been some exaggeration. But then, that's why you call them war stories. As kids, we loved our grandpa; we simply listened in awe.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 21, 2004

◀ [prev](#) Document 6 of 34 [next](#) ▶

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17

**SHOW:** The Osgood File (Various Times) - CBS

August 20, 2004 Friday

**TYPE:** Commentary

**LENGTH:** 350 words

**HEADLINE:** Iraqi oil output at one-third what was projected

**REPORTERS:** DAVE ROSS; CHARLES OSGOOD

**BODY:**

**DAVE ROSS** reporting:

The Iraqi government has promised that oil exports will increase in the coming days in spite of the threats of sabotage. But judging by the price of oil, the market doesn't believe it. More after this from Charlie.

CHARLES OSGOOD reporting:

Thank you, Dave.

(Announcements)

ROSS: So here it is, a year and a half into the war in Iraq, and along with everything else, we wake up to find that oil is now pushing \$50 a barrel. And I know we shouldn't think such thoughts, but secretly, I'm betting a lot of us thought that the war was really about the oil.

Mr. DONALD RUMSFELD: It has nothing to do with oil, literally nothing to do with oil.

ROSS: And intellectually, I know that, Mr. Secretary. I know that being America, we have no territorial ambitions, and that if we'd wanted Saddam's oil, we could have bought it from him. But still, I think, secretly tucked away in the back of our minds was a vision of a free Iraq for Iraqis, and \$1 gas for us.

Back in 2003, Vice President Cheney was predicting that Iraq might be able to pump three million barrels a day by the end of the year. And I'm pretty sure that if today we were seeing happy Iraqis in Iraq and \$1 gas at home, not finding Saddam's weapons would be a non-issue. But instead, Iraqi oil production is one-third of the vice president's prediction and less than half of what Saddam himself was able to pump, in large part because al-Sadr and his movement are threatening to attack oil pipelines.

Now, we have to keep this in perspective. Adjusted for inflation, \$50 oil is about \$10 less per barrel than it was leading up to the first Gulf War. But we will be seeing gas prices go up and that can't help but affect the economy. Which means we find ourselves in a situation where a 31-year-old radical Shiite cleric half a world away, under the control of no government, could have a direct effect on the economic health of the United States of America. I gotta say, this superpower stuff is highly overrated.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

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18

**SHOW:** The Osgood File (Various Times) - CBS

August 20, 2004 Friday

**TYPE:** Commentary

**LENGTH:** 336 words

**HEADLINE:** Drivers looking for creative ways of picking up their friends at the airport without paying parking fee

**REPORTERS: DAVE ROSS**

**BODY:**  
**DAVE ROSS** reporting:

Flying has come to involve so many indignities. But we may be seeing the first signs that at least one of them is on the way out. More after this.

(Announcements)

ROSS: Have you tried to pick somebody up at an airport lately? Not easy, especially if you're trying to avoid paying for parking. Once upon a time, you could wait at the curb just outside baggage claim. But the terrorists put the kibosh on that. Now most airports have signs at the curb that say "No Stopping Anytime," which makes it hard to pick up all but the most athletic passengers.

For a while, I used the walkie-talkie method. You and a friend each grab a walkie-talkie and you do the airport loop while he roams the terminal, acquires the target, and radios the position so you can circle around again and pick them both up in one, smooth coordinated motion. Now, with cell phones so cheap, most people just wait for a cell phone call. The trouble is, you need a place to wait.

At the Philadelphia International Airport, which is one of those no-loitering airports, drivers who don't want to pay 3 bucks for half an hour in the garage took to prowling the access roads around the airport looking for a place to hang. The trouble in Philadelphia was that they would stack up on highway shoulders creating a traffic hazard, so the police would stick them with automatic \$25 tickets, making you feel like a criminal just because you're trying to meet someone. In fact, the attitude at a lot of airports seems to be: How dare you come here to pick up arriving passengers! Don't you know this is an airport?

But happily, there's a compromise. The Baltimore-Washington Airport now has a 55-space cell phone lot, expressly for cell phone loiterers, as do the San Diego, Birmingham and Palm Beach airports. Because despite what the authorities may think, those of us who want to pick up somebody without parking are not bad people, just cheap.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 21, 2004

◀ [prev](#) Document 3 of 34 [next](#) ▶

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19

**SHOW:** The Osgood File (Various Times) - CBS

August 20, 2004 Friday

**TYPE:** Commentary

**LENGTH:** 343 words

**HEADLINE:** Neuroscientists conducting brain scans on voters to see how they react to campaign commercials

**REPORTERS:** DAVE ROSS; CHARLES OSGOOD

**BODY:**

**DAVE ROSS** reporting:

This is your brain. This is your brain on campaign commercials. More after this from Charlie.

CHARLES OSGOOD reporting:

Thank you, Dave.

(Announcements)

ROSS: The New York Times reports that neuroscientists from the University of California have been conducting brain scans of ordinary voters. Brain scans to determine how they react to campaign commercials. See, this is what it's come to! Apparently a few of you have been engaging in independent thinking, and this has to be stopped. In one experiment, John Graham, an ordinary Democratic voter, was inserted into an MRI machine so researchers could monitor which parts of his brain became active as he watched a Bush campaign commercial, projected on a pair of special goggles. And the researchers found that the parts of his brain that lit up were entirely different from the parts of Republican brains that lit up when they were shown the same commercial. It turns out that in Democrats, watching the Republican commercial, which included images of September 11th, activated a part of the brain called the amygdala, which controls the threat response, whereas Republicans showed no such reaction.

The tests are being pushed by two former Clinton strategists who say they are simply trying to understand voters better and have no intention of gaining partisan advantage from their research. They're not sure they even have anything here besides a pretty effective way to torture Democrats. This is all purely for scientific purposes. Subliminal synaptic manipulation is the furthest thing from their minds! Uh-huh. You're trying to figure out how many of us are secretly voting for Nader, aren't you? You can't figure it out from the opinion polls so you plan on checking our amygdala. Well, you can save your machine. I can tell you what part of my brain lights up when I see the typical campaign commercial. I believe it's the same part that lights up when I see the doctor put the latex glove on.

THE OSGOOD FILE. **Dave Ross** on the CBS Radio Network.

**LOAD-DATE:** August 21, 2004

◀ [prev](#) Document 4 of 34 [next](#) ▶

26044133271

**EXHIBIT 14**

26044135272

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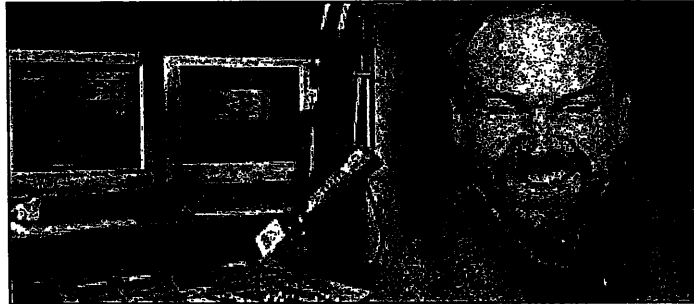
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### The Dave Ross Show



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Topic ideas, Tips, Information, comments?

E-mail Tina Nole, Producer/Chief of Staff [Tnole@entercom.com](mailto:Tnole@entercom.com).

Dave is on a leave of absence for the rest of the summer and we look forward to his return.

Charles Jaco guest hosts Monday 9/20 9a-12N on Newsradio 710 KIRO.

Listen to guest host Bill Press' interviews with:

[John Kerry's Senior Policy Advisor Jamie Rubin 9/8](#)

[John Kerry's brother Cam 8/19](#)

[Howard Dean \(8/18\)](#)

#### LINKS:

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[Instant Run Off Voting](#)

Krist Novoselic will be signing copies of his new book: "Of Grunge and Government" at the University of Washington in Tacoma at 6:00pm October 15 - UW Bookstore Tacoma is located at 1754 Pacific Ave, call 253.272.8080 for details.

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[David Brock and Outfoxed.](#)

Newsradio 710 KIRO's Carl Jeffers broadcasted LIVE from the Democratic Convention in Boston(7/26 thru 29th). Listen to Carl's interviews with:

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**EXHIBIT 15**

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Saturday, September 18, 2004, 12 00 A M Pacific

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Editorial

## Stop that car! Turn that dial!

Soooo, let's get this straight: Dave Ross, the Democratic candidate for the 8th Congressional District, is complaining about a King County Sheriff's Office press release noting his Republican opponent, Sheriff Dave Reichert, was doing some police work.

Apparently, the sheriff attempted to pull over a vehicle driving erratically on Wednesday but stopped the chase out of concern the suspect would cause an accident. Turns out, the sheriff's instincts were right. The suspect was a convicted felon and the car was stolen.

It's not uncommon for releases to be issued when an agency's chief law-enforcement officer steps out of administrating and back into policing. Perhaps, by mentioning Reichert's campaign, department officials flirted with going over the line that restricts public resources from being used to promote candidates. They should not do it again.

Still, it's ironic to hear Ross' operatives complaining about unfair publicity when the former radio talk-show host is being promoted all over town by his former employer, KIRO-AM (710). Even though Ross has left the airwaves, the station continues to promote his weekday morning show throughout the community.

Wasn't it odd Wednesday to hear Dave Ross the candidate being interviewed about his primary victory on Dave Ross, the show, albeit by a substitute host?

Ross explains he has a contract with KIRO that permits the station to continue to use his name. But, when given a chance to criticize the station's actions, he declines, noting he'll need a job if he loses the election.

Given the circumstances, we think the candidate protests too much.

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